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10 Attorneys for Plaintiff

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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 UNITED STATES OF AMERICA,) No. CR 11-00554 EJD
Plaintiff,) Related Case: CR 09-00670 EJD
16 v.)
DAVID FOLEY,) STIPULATION AND [PROPOSED]
Defendant.) ORDER CONVERTING DATE FOR
EVIDENTIARY HEARING INTO
STATUS HEARING
19 SAN JOSE VENUE

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21 The undersigned parties respectfully request that the evidentiary hearing currently set for
22 April 30, 2012 at 1:30 p.m. be converted to a status hearing. The Court scheduled the evidentiary
23 hearing in order to determine the loss in the above-captioned matter for purposes of determining
24 the appropriate sentencing guideline range. Assistant United States Attorneys Susan Knight and
25 Hanley Chew have recently taken over the case, and have conferred with Benjamin Singer about
26 attempting to reach an agreement regarding a loss amount. Therefore, the parties request that the
27 April 30th hearing be scheduled as a status hearing. The parties also request that the Court refer
28 the parties to the Honorable Nathanael Cousins, United States Magistrate Judge, for a settlement

1 conference regarding the loss amount for purposes of determining a guideline range. If the
2 parties are unable to reach an agreement, the parties will request that the Court schedule an
3 evidentiary hearing. The parties have contacted Probation Officer Benjamin Flores and informed
4 him about the request.

5 SO STIPULATED:

MELINDA HAAG
United States Attorney

6 DATED: 4/9/12

/s/
7 SUSAN KNIGHT
HANLEY CHEW
8 Assistant United States Attorneys

9 DATED: 4/19/12

10 /s/
BENJAMIN LABAN SINGER
11 Counsel for Mr. Foley

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13 **ORDER**

14 Accordingly, for good cause shown, the Court HEREBY ORDERS that the evidentiary
15 hearing scheduled for April 30, 2012 is converted to a status hearing at 1:30 PM

16 The parties shall contact the Magistrate Judge Nathanael Cousins to schedule a settlement
17 conference.

18 SO ORDERED.

19 DATED: April 11, 2012

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21 EDWARD J. DAVILA
United States District Judge